

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 12 September 2016

Title

Flanderwell Autism Resource

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Ian Thomas, Strategic Director of Children and Young People's Services

Report Author(s)

Dean Fenton (Service Lead – School Planning, Admissions and Appeals)

Ward(s) Affected

Wickersley – Resource location

Kimberworth, Herringthorpe, Rawmarsh, Wath, Wickersley – pupils ward residence

Executive Summary

Proposals have stood since December 2015 in relation to discontinuing the Flanderwell Autism Resource Unit on the site of Flanderwell Primary Academy and, using the unit as a classroom to accommodate rising mainstream pupil numbers at the school.

A report was submitted to Commissioners in December 2015, seeking approval to commence a period of pre statutory consultation in relation to proposals to discontinue the unit on the Flanderwell site.

A further report was submitted to Cabinet in May 2016, detailing the outcome of pre statutory consultation on the proposals and seeking approval to commence a period of statutory consultation by the posting of a public notice outlining the proposals and inviting representation to be made to the Strategic Director of Children and Young People's Services.

After consideration of representations, this report seeks Cabinet approval of the proposal to discontinue the Resource on the Flanderwell Primary School site and transfer the resource to the Academy trust to accommodate rising mainstream pupil numbers.

Recommendations

1. That the use of the site as a Special Educational Needs (SEN) provision be discontinued and the building be used by Flanderwell Primary Academy to accommodate rising mainstream pupil numbers with effect from 30th September 2016.

2. That another site be found attached to a mainstream school to provide for primary aged children with autism but with mainstream academic abilities who are currently struggling to have their needs met.
3. That a further wider review of provision for children and young people with autism who are struggling in mainstream be undertaken at a future date as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.
4. That the Secretary of State for Education be informed accordingly.

List of Appendices Included

Appendix 1- summary of representations received in relation to the proposal to discontinue the Resource on the Flanderwell Primary School site and transfer the resource to the Academy trust to accommodate rising mainstream pupil numbers.

Background Papers

December 2015

Report to Commissioners: seeking approval to commence a period of pre statutory consultation in relation to the proposal to discontinue the Flanderwell Autism Resource.

May 2016

Report to Cabinet: seeking approval to commence a period of statutory consultation, by the posting of a public notice in relation to the proposal to discontinue the Flanderwell Autism Resource.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Flanderwell Autism Resource

1. Recommendations

- 1.1 That the use of the site as a Special Educational Needs (SEN) provision be discontinued and the building be used by Flanderwell Primary Academy to accommodate rising mainstream pupil numbers with effect from 30th September 2016.
- 1.2 That another site be found attached to a mainstream school to provide for primary aged children with autism but with mainstream academic abilities who are currently struggling to have their needs met.
- 1.3 That a further wider review of provision for children and young people with autism who are struggling in mainstream be undertaken at a future date as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.
- 1.4 That the Secretary of State for Education be informed accordingly.

2. Background

- 2.1 Following an annual review of basic need for school places in November 2012, Elected Members approved the use of Basic Need funding allocation (allocated by the Department for Education to Local Authorities to address additional school capacity need) to create an additional 105 mainstream school places at a cost of £1.39M and 10 places for pupils with autism at a cost of £578K at Flanderwell Primary School. The autism resource at this time was targeted predominantly at Year 5 and 6 pupils with younger pupils attending the Kilnhurst resource centre.
- 2.2 The resource unit construction was completed in August 2013 and pupils began to access the provision later that year. Since this time the needs of the children of this age has changed and the unit has not proved as popular with parents as anticipated.
- 2.3 During the last Academic Year a Consultant Headteacher was put in place as executive lead at the Resource to provide supervision and guidance to staff. Concerns were raised by Flanderwell Resource staff to the Consultant Head regarding the suitability of the site to engage the children on roll.
- 2.4 These concerns led to an emergency Health and Safety Review being conducted by an LA Health and Safety Practitioner who found the building unsuitable for the cohort of children attending due to door security issues, building layout and external grounds issues.
- 2.5 The building was inspected on the last day of term in July 2015 and closed for the summer holidays and has remained closed since. Providing suitable alternative placements for pupils has been a priority. Officers from the Local Authority have remained in close communication with parents and carers and will continue to do so until the consultation regarding the building is resolved.
- 2.6 A report was submitted to Commissioners in December 2015, seeking approval to commence a period of pre statutory consultation in relation to proposals to discontinue the unit on the Flanderwell site.
- 2.7 A further report was submitted to Cabinet in May 2016, detailing the outcome of pre statutory consultation on the proposals and seeking approval to commence a period of statutory consultation by the posting of a public notice outlining the proposals and

inviting representation to be made to the Strategic Director of Children and Young People's Services.

2.8 As required by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, a public notice has been in place from 17th June 2016 to 15th July 2016 and the Department for Education (DfE) has been notified of the proposals.

2.9 As required by the above Regulations, the Secretary of State for Education must be informed formally of the Cabinet decision via the Department for Education (DfE).

3. Key Issues

3.1 The Flanderwell Resource Unit building is not conducive to the changing needs of the cohort of pupils that it was originally designed to accommodate.

3.2 There had been damage to the building from a child in crisis and concerns had been raised by Rotherham MBC staff and a parent about the layout of the building. There is one large room with a smaller room attached to support children in crisis. However, a parent was concerned that all children had to be taught together in one space, which her child found difficult. Local Authority Officers commented that it was challenging to teach in the large room when a child was in crisis in the smaller attached room. The needs of the children identified to attend this resource are changing and becoming more challenging, therefore an appropriate layout and more space are necessary to meet need. The original specification for the building was signed off at that time by relevant senior managers employed within Children and Young People's Services.

3.3 Discussions with inclusion staff and specialists in Autism have also taken place. These staff raised concerns that the building was designed without their involvement and identified the following reasons they consider the current building unfit for purpose:

- the use of one large room to teach young people with high levels of anxiety creates problems. A number of smaller spaces in a larger overall area are recommended.
- the room identified as a space for distressed children to use when calming down is inappropriately placed right next to the teaching space. It is recommended that this be further away with another space between. Remedial action will require further investment.
- the outside space is too small to meet the needs of the children who attend as they often do not wish to play together or require their own quiet space. Remedial action will require further investment.

3.4 There is a requirement for a provision for children of mainstream ability with autism who struggle in mainstream settings. The Local Authority will investigate alternative sites more suitable to meeting the needs of this cohort of pupils should this decision be agreed.

3.5 The building was inspected on the last day of term in July 2015 and closed for the summer holidays and has remained closed since until the consultation regarding the building is resolved.

3.6 Flanderwell Primary School became an academy on 1 February 2015 under the Executive Headship provided by St Albans Primary School. This arrangement was brokered by the LA School Improvement Service. St Albans is one of the LA's highest

performing primary schools. Since this arrangement was put in place, results at Flanderwell have improved year on year and now exceed national expectations. Parental satisfaction with the school has also increased in line with educational attainment and progress. This has led to demand for places increasing significantly and parental preferences now continuously exceed the number of places available. The Woodlaithes Housing Estate which provided over 1,000 homes in the schools catchment area has also increased year on year the demand for places in this area.

- 3.7 The statutory duty to ensure a sufficiency of mainstream school places and, allocate Basic Need Funding to projects rests with the Local Authority. Current Government Policy is that the LA's place planning strategy should aim to satisfy as many parental first preferences as possible during the annual admissions round. Hence the proposal that the Flanderwell Unit be transferred to the Academy Trust to further support this agenda.
- 3.8 There is potential for the Flanderwell Resource Unit building to be used by Flanderwell Primary Academy to accommodate the rising mainstream pupil numbers. This would prevent the need for further capital investment at the academy.
- 3.9 Under the requirements of the School Organisation (prescribed alterations to Maintained Schools) (England) Regulations 2013, a full pre-statutory and statutory consultation have been undertaken to establish whether to discontinue the resource on this site and transfer the building to the Academy Trust to accommodate rising cohort demand.

4. Options considered and recommended proposal

- 4.1 **Option 1:** That substantial building work and financial investment is undertaken to ensure the building is fit for purpose with regard to both size and layout prior to the staff and children returning at a later date and, additional teaching and learning space is created for rising mainstream place demand.
- 4.2 **Option 2 – Recommended Option:** That after consideration of representations, the proposal to discontinue the resource at Flanderwell and, the building be re-designated for use by the Academy to accommodate the increased need for mainstream school places and, the resource provision be relocated through negotiation with an undersubscribed mainstream Primary School / Schools be approved.
- 4.3 The Flanderwell Resource Unit building is not conducive to the changing needs of the cohort of pupils that it was originally designed to accommodate. There is a requirement for a provision for children of mainstream ability with autism who struggle in mainstream settings. The Local Authority will investigate alternative undersubscribed sites more suitable to meeting the needs of this cohort of pupils.
- 4.4 The cost of remedial work at the Unit would be in excess of £100K to complete. Whilst this is not the primary concern and costs will be incurred in order to adapt space at a different undersubscribed location into a resource, these are likely to be significantly less than the required adaptations at Flanderwell Autism Resource as the work will be in relation to internal modification.
- 4.5 Following the outcome of the proposals a further wider review of provision for children and young people with autism who are struggling in mainstream will be undertaken as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.
- 4.6 **Recommendation:** It is recommended that after considering representations received from the public notice period that Cabinet approves proposals to:

Discontinue the use of this site as a Special Educational Needs (SEN) provision and that the building be used by Flanderwell Primary Academy to accommodate rising mainstream pupil numbers.

Another site be found attached to a mainstream school to provide for primary aged children with autism but with mainstream academic abilities who are currently struggling to have their needs met.

A further wider review of provision for children and young people with autism who are struggling in mainstream should be undertaken at a future date as part of the strategic development of the Special Educational Need and Disability (SEND) provision to meet the needs of Rotherham's children.

5. Consultation

- 5.1 A period of pre statutory consultation has been completed in relation to the proposals following a report to Cabinet in December 2015.
- 5.2 A period of statutory consultation has been completed in relation to the proposals following a report to Cabinet in May 2016.
- 5.3 A final decision should be determined by Cabinet (referred to as the 'Decision Maker' under the requirements of the School Organisation (prescribed alterations to Maintained Schools) (England) Regulations 2013), within 2 months (excluding school holidays) from the end of the representation period. If this fails to be done, then the matter is referred to the Schools Adjudicator for decision.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Commissioners approved a period of pre statutory consultation on proposals to discontinue the current use of the building as an SEN resource and re-designate the building for mainstream education including potential transfer to the Academy Trust (December 2015).
- 6.2 Pre-statutory consultation period (six weeks).
- 6.3 Report to Cabinet - upon the completion of pre-statutory consultation and seeking approval to commence a period of statutory consultation (May 2016).
- 6.4 Statutory Consultation period by public notice (four weeks) and notification of the proposals to the Department for Education (DfE) (June 2016).
- 6.5 Report to Cabinet for a final decision on the proposal and notification of the decision to DfE (September 2016).

7. Financial and Procurement Implications

- 7.1 The Resource at Flanderwell Primary School cost £578K using Basic Need funding to build as a 'stand alone' building. The necessary extension to the units footprint to meet the needs of the pupils along with repairs to electronic door security systems, internal adaptations and modifications, landscaping and maintenance of the outside learning area would cost in excess of £100K to complete.
- 7.2 In 2012 Flanderwell Primary School had four additional classrooms added to the existing school building to address a capacity shortfall and future place need. This was done by prescribed alteration as a then LA Maintained School to increase the school's Published Admission Number (PAN) from 30 to 45.

- 7.3 Due to the increasing popularity of the school, the governing body have increased the PAN in Key Stage One (KS1) to fifty (50) pupils per year group and subsequent cohorts thereafter to satisfy parental preference and requests for places. This will mean an additional classroom will be needed in due course. Should the Resource Unit remain open, the cost of a further classroom extension on site for mainstream pupils will be approximately £250k on top of the £100k investment required for remedial work and extension to the Unit. This will mean a further £350k in total Basic Need funding investment on the site. Given the amount of footprint used at the school adding the additional classrooms, there may be planning restrictions on future development should there be a need to start removing green space from the school site for classrooms. Whilst Basic Need Funding may have been incurred in the building of the unit for Special Educational Needs provision, the investment is not lost, as additional classroom space for rising mainstream pupil numbers at Flanderwell (both current and future) is required. Due to this rise in numbers within the school, additional teaching and learning space would be required to accommodate the additional pupils regardless of whether the current proposal had been brought forward for consultation or not.
- 7.4 Current mainstream cohort numbers are as follows:
- Foundation Stage 2/Reception (45), Y1 (50), Y2 (46), Y3 (50), Y4 (31), Y5 (42), Y6 (33)
- September 2016 Foundation Stage 2 / Reception cohort – 41 on time applicants + late applications.
- 7.5 It should be considered that further costs will be incurred in order to adapt another space at a different undersubscribed location into a resource. However, these costs will be significantly less than the required adaptations and additional teaching and learning space required at Flanderwell Autism Resource and the school. As the new site will be an undersubscribed location the costs will be incurred in alterations to existing internal layout and will be significantly less than the £100k remedial work required at the Flanderwell Unit. This will be funded from DfE Basic Need funding allocation.

8. Legal Implications

- 8.1 There is a statutory duty on the LA to undertake a full consultation in relation to prescribed alterations as required under the School Organisation (prescribed alterations to Maintained Schools) (England) Regulations 2013.
- 8.2 There is a statutory requirement for the LA to have regard to the SEND Code of Practice 2015 which states that Local authorities must keep their educational and training provision and social care provision for children and young people with SEN or disabilities under review (Section 27 of the Children and Families Act 2014)
- 8.3 Under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 a final decision should be determined by the 'Decision Maker' within 2 months (excluding school holidays) from the end of the public notice period. If this fails to be done, then the matter is referred to the Schools Adjudicator for decision.

9. Human Resources Implications

- 9.1 There are two members of staff employed by Flanderwell Autism Resource who are currently being deployed to support pupils from the Resource at their current educational placements. Any decisions regarding the two members of staff would

follow a full consultation process which would take place with the staff and their Trade Unions. The aim would be to ensure that staff are fully informed of the issues around the unit and their roles within it.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The young people have been moved to new settings. These were initially temporary but, now annual reviews have been completed for all children as part of due process to determine permanent provision. Two children have been placed permanently at provision outside the Local Authority (one attempted mainstream in line with parental preference initially but is now on transition into a special setting). At annual review for the other four, parents are requesting alternative provision within the current Local Authority offer. The majority of children have settled very well. Given that these children have a need where change can be very disruptive or distressing this is a positive situation.
- 10.2 Once a decision has been made about whether to discontinue the unit, it is advisable to inform parents in writing so they can make further informed choices about their child's education.
- 10.3 It is also important to inform the inclusion community of schools and services of any decision made. These staff and officers will then continue to support children, parents and schools to manage provision for those who may have been offered a place at Flanderwell Resource.

11. Equalities and Human Rights Implications

- 11.1 There is a legal requirement under the Education Act, 2006, to ensure all children of statutory school age have a school place in a safe and nurturing environment in the case of SEN pupils determined by an Education, Health and Care Assessment.

12. Implications for Partners and Other Directorates

- 12.1 Should the proposal to discontinue the unit as an SEN resource be approved, the building would be transferred to the Academy Trust following statutory Academy lease processes. The unit would be utilised by Flanderwell Primary for the provision of mainstream education and the increase in pupil numbers who will require additional teaching and learning space.
- 12.2 Use of Capital Funding is needed to modify existing buildings to be able to accommodate pupils with SEN, subject to the outcome of the wider review and site determination.

13. Risks and Mitigation

- 13.1 Initially, proposal caused some unsettlement of pupils moving to a new learning environment. However, most of these children moved and settled quickly. One child is currently transitioning into a new setting. However the Flanderwell Resource is not a suitable environment for SEN pupils.

14. Accountable Officer(s)

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Derek Gaffney, Chief Accountant

Director of Legal Services:- Neil Concannon, Service Manager, Litigation & Social Care

Head of Procurement :- Helen Chambers – Principal Officer

Human Resources: Paul Fitzpatrick – HR Business Partner

(Approval gained prior to report 15th December 2015 seeking approval to commence consultation). HR consulted again prior to May and September report submission.

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>